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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Curtiss et al.  
Serial No.: 09/120,970  
Filed: July 22, 1998  
Entitled: RECOMBINANT BACTERIAL  
VACCINE SYSTEM WITH  
ENVIRONMENTALLY LIMITED  
VIABILITY

ART UNIT: 1645  
EXAMINER: PORTNER, Virginia A.

Attorney Docket No.: WAU-207.0 US-1

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith: [X] A corrected Brief on Appeal pursuant to 37 C.F.R. §41.37 (27 pages) (including a copy of the receipt evidencing deposit of the microorganism (2 pages, not numbered, presented in the Evidence Appendix); [X] a check (check no. 8710) in the amount of \$245.00; and [X] a return-receipt postcard, for filing in the above-captioned patent application.

**FEE FOR ADDITIONAL CLAIMS**

[X] A fee for additional claims is not required.

[ ] A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEE DUE
TOTAL CLAIMS	=	=	00	× \$26	= 0.00
INDEPENDENT	=	=	0	× \$110	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$195	= 0.00
<b>TOTAL FEES DUE</b>					<b>= 0.00</b>

PAYMENT OF ADDITIONAL FEES

- ☐ A check including the amount of \$\_\_\_\_\_ in payment of the fees for filing a brief in support of an appeal under 37 C.F.R. §41.37 is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

PETITION FOR EXTENSION OF TIME

- ☒ Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the Response filed herewith: ☐ \$65.00 for response within first month pursuant to 37 CFR 1.17(a)(1);  
☒ **\$245.00 for response within second month pursuant to 37 CFR 1.17(a)(2);**  
☐ \$555.00 for response within third month pursuant to 37 CFR 1.17(a)(3);  
☐ \$865.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);  
☐ \$1,175.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- ☒ A check in the amount of ☐ \$65.00 ☒ \$245.00 ☐ \$555.00 ☐ \$865.00 ☐ \$1,175.00 in payment of the extension fee is transmitted herewith. (check no. 8710)
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268.

Respectfully submitted,



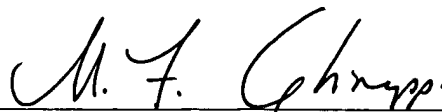
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## Certificate of Mailing

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8, postage prepaid, in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

May 19, 2009

date



Margaret Chinappi